

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LEE JAMES PROPER,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

No. 12-cv-405-JPH

ORDER DISMISSING CASE  
WITHOUT PREJUDICE

On June 27, 2013, the Court ordered plaintiff to show cause in writing on or before July 25, 2013, why this case should not be dismissed for failure to prosecute pursuant to FRCP 41(b). The Court stated that if no action of record was taken and no satisfactory explanation for non-action was submitted, an order of dismissal without prejudice would be entered. ECF No. 22.

The deadline has passed and plaintiff has failed to take action.

The parties have consented to proceed before a magistrate judge. ECF No. 3.

Accordingly,

**IT IS ORDERED** that the complaint, **ECF No. 1, is dismissed** without prejudice.

**IT IS SO ORDERED.** The District Executive is directed to dismiss the complaint without prejudice, file this order, provide copies to the parties and

1 **CLOSE** the file.

2 DATED this 26<sup>th</sup> day of July, 2013.

3 *S/ James P. Hutton*

4 JAMES P. HUTTON

5 UNITED STATES MAGISTRATE JUDGE  
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